

## § 658.400

### FEDERAL JS COMPLAINT SYSTEM

- 658.420 Establishment of JS complaint system at the ETA regional office.
- 658.421 Handling of JS-related complaints.
- 658.422 Handling of non-JS-related complaints by the Regional Administrator.
- 658.423 Handling of other complaints by the Regional Administrator.
- 658.424 Federal hearings.
- 658.425 Decision of DOL Administrative Law Judge.
- 658.426 Complaints against USES.

### Subpart F—Discontinuance of Services to Employers by the Job Service System

- 658.500 Scope and purpose of subpart.
- 658.501 Basis for discontinuation of services.
- 658.502 Notification to employers.
- 658.503 Discontinuation of services.
- 658.504 Reinstatement of services.

### Subpart G—Review and Assessment of State Agency Compliance with Job Service Regulations

- 658.600 Scope and purpose of subpart.
- 658.601 State agency responsibility.
- 658.602 ETA national office responsibility.
- 658.603 ETA regional office responsibility.
- 658.604 Assessment and evaluation of program performance data.
- 658.605 Communication of findings to State agencies.

### Subpart H—Federal Application of Remedial Action to State Agencies

- 658.700 Scope and purpose of subpart.
- 658.701 Statements of policy.
- 658.702 Initial action by the Regional Administrator.
- 658.703 Emergency corrective action.
- 658.704 Remedial actions.
- 658.705 Decision to decertify.
- 658.706 Notice of decertification.
- 658.707 Requests for hearings.
- 658.708 Hearings.
- 658.709 Conduct of hearings.
- 658.710 Decision of the Administrative Law Judge.
- 658.711 Decision of the Administrative Review Board.

AUTHORITY: Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*; 38 U.S.C. chapters 41 and 42; 5 U.S.C. 301 *et seq.*; sections 658.410, 658.411 and 658.413 also issued under 44 U.S.C. 3501 *et seq.*

SOURCE: 45 FR 39468, June 10, 1980, unless otherwise noted.

### Subparts A–D [Reserved]

## 20 CFR Ch. V (4–1–03 Edition)

### Subpart E—Job Service Complaint System

#### § 658.400 Purpose and scope of subpart.

This subpart sets forth the regulations governing the Job Service complaint system at both the State and Federal levels.

#### § 658.401 Types of complaints handled by the JS complaint system.

(a) (1) The types of complaints (JS related complaints) which shall be handled to resolution by the JS complaint system are as follows: (i) Complaints against an employer about the specific job to which the applicant was referred by the JS involving violations of the terms and conditions of the job order or employment-related law (employer-related complaint) and (ii) complaints about Job Service actions or omissions under JS regulations (agency-related complaints). These complaint procedures are not applicable to UI, WIN or CETA complaints. Complaints alleging violations of UI, WIN or CETA regulations should be handled within the procedures set forth in the respective regulations.

(2) A complaint shall be handled to resolution by these regulations only if it is made within one year of the alleged occurrence.

(b) Complaints by veterans alleging employer violations of the mandatory listing requirements under 38 U.S.C. 2012 shall not be handled under this subpart. The State agency shall handle such complaints under the Department's regulations at 41 CFR part 60–250.

(c) Complaints from MSFWs alleging violations of employment-related laws enforced by ESA or OSHA shall be taken in writing by the State agency and the ETA regional office and referred to ESA or OSHA pursuant to the procedures set forth in §§658.414 and 658.422. All other complaints alleging violations of employment-related Federal, State or local laws other than JS regulations by employers, their agents, or DOL subagencies other than JS (non-JS related complaints) shall be logged by the State agency and the ETA regional office and the complainant shall be referred to the appropriate

## Employment and Training Administration, Labor

## § 658.411

agency pursuant to procedures set forth in §§ 658.414 and 658.422.

(d) Certain types of complaints, such as, but not limited to, complaints by MSFWs, and complaints alleging unlawful discrimination, shall, as set forth in this subpart, be handled by specified officials of the State agency or of ETA.

### STATE AGENCY JS COMPLAINT SYSTEM

#### § 658.410 Establishment of State agency JS complaint system.

(a) Each State agency shall establish and maintain a Job Service complaint system pursuant to this subpart.

(b) The State Administrator shall have overall responsibility for the operation of the State agency JS complaint system. At the local office level, the local office manager shall be responsible for the management of the JS complaint system.

(c) (1) State agencies shall ensure that centralized control procedures are established for the handling of complaints and files relating to the handling of complaints. The Manager or Administrator of the local or State office taking the complaint shall ensure that a central complaint log is maintained, listing all complaints received, and specifying for each complaint:

- (i) The name of the complainant,
- (ii) The name of the respondent (employer or State agency),
- (iii) The date the complaint is filed,
- (iv) Whether the complaint is by or on behalf of an MSFW,
- (v) Whether the complaint is JS-related,
- (vi) If the complaint is JS-related, whether it is employer-related or agency-related,
- (vii) If the complaint is non-JS-related, the information required by § 658.414(c), and
- (viii) The action taken, including for JS-related complaints, whether the complaint has been resolved.

(2) Within one month after the end of the calendar quarter during which a local office receives an MSFW complaint (JS or non-JS related), the local office manager shall transmit a copy of that portion of the log containing the information on the MSFW complaint(s) or a separate listing of the relevant information from the log for each MSFW

complaint to the State Administrator. Within two months after the end of each calendar quarter the State Administrator shall transmit copies of all local and State office complaint logs received for that quarter to the Regional Administrator.

(3) State agencies shall ensure that any action taken by the responsible official, including referral, on a JS-related or non-JS related complaint from an MSFW alleging a violation of employment related laws enforced by ESA or OSHA is fully documented in a file containing all relevant information, including a copy of the original complaint form, a copy of any JS reports, any related correspondence, a list of actions taken, and a record of related telephone calls.

(4) At the State office level, the State Administrator shall ensure that all JS-related complaints referred from local offices, and all correspondence relating thereto are logged with a notation of the nature of each item.

(d) State agencies shall ensure that information pertaining to the use of the JS complaint system is publicized. This shall include the prominent display of an ETA-approved JS complaint system poster in each local office, satellite or district office, and at each State agency operated day-haul facility.

(Approved by the Office of Management and Budget under control number 1205-0039)

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[45 FR 39468, June 10, 1980, as amended at 47 FR 145, Jan. 5, 1982]

#### § 658.411 Filing and assignment of JS-related complaints.

(a) JS-related complaints may be filed in any office of the State job service agency.

(b) Assignment of complaints to local office personnel shall be as follows:

(1) All JS-related complaints filed with a local office, and alleging unlawful discrimination by race, color, religion, national origin, sex, age, or physical or mental status unrelated to job performance (handicap) shall be assigned to a local office Equal Opportunity (EO) representative if the local office has a trained and designated EO